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#9

James M. Smith  
Hamilton, Brook, Smith & Reynolds  
Two Militia Drive  
Lexington, Massachusetts, 02421-4799

In re Application of  
Michele Bovio, et al.  
Application No. 08/822,438  
Filed: March 21, 1997  
Attorney Docket No. DEC97-01 (PD25661)

ON PETITION

This is a decision on the petition filed January 13, 1999, which, for reasons indicated below, is being treated as a petition to withdraw the holding of abandonment in the instant application.

The petition is granted.

This application was held abandoned for failure to timely respond to the Office action mailed August 7, 1997. However the holding of abandonment was improper since the Office received, on October 3, 1997, a Declaration, and authorization to charge deposit account number 04-1079 for all processing fees. Unfortunately, these papers were not associated with the file until after the mailing of the Notice of Abandonment. Since the response was timely filed, the holding of abandonment has been withdrawn and the application restored to pending status.

In view of the above it is clear that you have complied with all of the requirements for the filing of this application; therefore, a filing receipt will be issued promptly.

Betty L. Robinson  
Office of Initial Patent Examination

